REMARKS

Claims 1-24, 26-50, 52-75, and 77-167 are currently pending in this application. Dependent claims 29-31 and 84 have been amended. Applicant respectfully requests reconsideration of the above-identified application, in view of the following remarks and amendments.

Amendment to the Claims

Claims 29-31 and 84 have been amended to correct typographical errors. Claims 29-31 have been amended to depend on claim 28 rather than claim 29. In addition, claim 84 has been amended to replace the term "alternative" with "alternate" to correct an error in antecedent basis.

Claim Rejections – 35 U.S.C. § 103

Claims 1-13, 15-40, 42-66, 68-75, 77-83, 90-109, and 111-127 have been rejected under 35 U.S.C. § 103(a), as allegedly being unpatentable over Al-omari et al. (US Patent No. 6,438,741) (Al-omari), in view of Lu et al. (Dynamic and Load-balanced Task-Oriented Database Query Processing in Parallel System) (Lu). Claims 14, 41, 67, 84, 110, and 128 have been rejected under 35 U.S.C. § 103(a), as allegedly being unpatentable over Al-omari in view of Lu, further in view of Driesch Jr. et al. (US Patent Application No. 2003/0065648) (Driesch). Applicant respectfully traverses the rejections and submits that the pending claims are patentably distinct from the cited references.

Applicant respectfully submits that all amended claims are patentably distinct from the cited references, taken alone or in combination. Specifically, Applicant submits that all pending claims are patentable over Al-omari, in view of Lu. For at least the same reasons, all amended claims are patentable over Al-omari in view of Lu and Dreisch. None of the cited references disclose the claimed element of "separately processing the database command using a command layer of an alternate database engine without accessing the command layer of the first database engine," as recited in claim 1 of the current invention, in addition to all subsequent independent claims. Applicant therefore submits that the cited references, taken alone or in combination, do not disclose, teach or suggest the elements recited in independent claim 1, all subsequent independent claims, and all claims dependent therefrom.

Al-omari is directed to a system and method for query optimization, providing an alternative to conventional processing-intensive recursive analysis of complex database queries. (See, Al-omari, Col. 3, lines 1-45). In these passages, Al-omari discusses the primary "problem with conventional query optimizers" and a summary of Al-omari's solution to the problem – implementing "a search engine and a database implementor (DBI) that are used to generate an optimal plan for an input query...." Al-omari's system is simply a query optimizer. As stated in the previous Office Action response, Al-omari does not disclose, teach or even suggest an "alternate database engine", let alone "separately processing the database command using a command layer of an alternate database engine without accessing the command layer of the first database engine" as recited in independent claim 1, in addition to all subsequent independent claims.

Furthermore, the Examiner acknowledges, "Al-omari does not explicitly teach processing the database command using only a command layer of an alternate database engine without accessing the command layer of the first database engine." (See, Office Action, page 3, ¶1). The Examiner relies on Lu to remedy this deficiency. However, Lu simply discloses a method of allocating different tasks associated with a database query to additional processors. (See, Lu, p. 357-358). The same command layer and database engine must be employed in the method described in Lu, with only different components of hardware (multiple processors) handling assigned tasks. Id. As the command layer and database engine described in the current invention are processor-independent, Lu's method describes a wholly independent concept from that claimed in the current invention. Therefore, Lu does not disclose, teach or suggest a method of "separately processing a database command using a command layer of an alternate database engine without accessing the command layer of the first database engine" as claimed in the present invention.

As neither reference nor their combination disclose, teach or suggest the recited elements of the current invention, the combination of the two references does not render obvious the current invention. One skilled in the art reading these references would not be led to the instant invention, because none of the cited references disclose, teach or suggest a method of "separately processing the database command using a command layer of an alternate database engine without accessing the command layer of the first database engine" as claimed in the present invention. Accordingly, Applicant requests withdrawal of the rejections on these grounds.

The Examiner next rejected claims 14, 41, 67, 84, 110 and 128 for allegedly being unpatentable over Al-omari in view of Lu and Driesch. As Driesch also does not disclose, teach or suggest the step of "separately processing the database command using a command layer of an alternate database engine without accessing the command layer of the first database engine" as claimed in the present invention, the Examiner relies on Lu to remedy this deficiency. However, as stated above, Lu also fails to teach, disclose or suggest this element.

With regard to claim 84, the assertion that Lu fails to disclose the claimed element of "separately processing the database command using a command layer of the alternate database engine without accessing the command layer of the first database engine" is further bolstered by additional clarification of that step in the claim. Claim 84 states that the step further comprises, *inter alia*, the step of "determining a threshold value for system usage of the alternate database engine, wherein the threshold value is based on one or more of: estimated processor usage, estimated memory usage, input/output resource usage and/or disk resource usage of the alternate database engine" (emphasis added). The cited portion of the claim makes clear that processor usage is but one portion of the overall analysis required to estimate system usage for the purpose of optimizing the processing of a database command. However, as Lu simply discloses the use of multiple processors in a database query process, the reference clearly fails to disclose the use of alternate database engines, because a database engine by definition is a wholly distinct concept from a single piece of hardware, such as a processor, as indicated in the claimed element listed above.

Furthermore, Applicant respectfully submits that Dreisch does not teach, disclose or suggest whether the query requires accessing temporally sensitive data, as argued by the

Examiner in rejecting claim 84. Dreisch merely maintains a query log, which is not the purpose of the system. The application discloses a method for determining whether a query is requesting information which is updated as frequently as by the minute. See Specification page 9, lines 15-22. Upon recognition of this specific query, the alternate database will secure the most recent information in order to respond separately and accurately. See Specification, page 9, lines 20-22). Dreisch does not disclose this method and therefore cannot remedy the deficiencies of the references discussed above.

Accordingly, as none of the references disclose, teach or suggest the recited elements of the current invention, the combination of the references does not render obvious the current invention. One skilled in the art reading these references would not be led to the instant invention, because none of the cited references teach or suggest a method that separately processes a database command using a command layer of an alternate database engine without accessing the command layer of the first database engine as claimed in the present invention.

Therefore, Applicant respectfully submits that for at least these reasons, independent claims 1, 26-28, 52-54, 77-84, 90, 138, and 152 are patentably distinct from the cited references, taken either alone or in combination. Further, Applicant submits that claims 2-24, 29-50, 55-75, 85-89, 91-137, 139-151, and 153-167, which directly or indirectly depend on the independent claims listed above, are also patentably distinct from the cited references for at least similar reasons. Applicant, however, reserves the right to address such rejections should such response be necessary and appropriate. Accordingly, Applicant requests withdrawal of the rejections on these grounds.

CONCLUSION

Applicant respectfully requests reconsideration in view of the foregoing remarks, respectfully submits that the claims as presented herein are allowable over the art of record and that the application is in condition for allowance, which action is earnestly solicited.

The Examiner is invited to contact the undersigned at the telephone number below, should that in anyway facilitate prosecution.

The Commissioner is hereby authorized to charge any additional fees which may be required for this paper, or credit any overpayment, to Deposit Account No. 13-4500, Order No. 4241-4002.

Respectfully submitted,
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Dated: April 18, 2006

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